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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,294	09/16/2003	Brad W. Lorton	9948IP-17COB	2614
27572	7590	05/03/2006	EXAMINER	
HARNES, DICKEY & PIERCE, P.L.C.			SHAW, ELIZABETH ANNE	
P.O. BOX 828			ART UNIT	
BLOOMFIELD HILLS, MI 48303			PAPER NUMBER	
			3644	

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7, 10, 11, 17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Crider et al (5,193,483). Crider et al teach a method of raising poultry comprising the steps of providing a facility 10 for housing the poultry having an interior and providing at least one ventilation fan 16 adapted to restrict the transmission of light into the interior of the facility. It is considered that any fan in a window would restrict the transmission of light through the window to some extent. The method also comprising a step of providing an automatic climate control device 17 for controlling the environment within the interior and also having a step of providing a shutter 12 mounted to a ventilation window 11 selectively enabling airflow therethrough which also allows for further selectively enabling the passage of light therethrough.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crider et al. The Examiner takes Official Notice that all fan blades have some type of coating, i.e. paint, and all paint absorbs some wavelengths of light. Also siding, shutters and other building materials on the outside of the buildings which are exposed to the weather would be coated. With respect to the claims, it would have been obvious to one skilled in the art to use one of the many available paints on the market in the absence of any unexpected results.

Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crider et al. The Examiner takes Official Notice that the shutter 12 mounted to the window 11 can be mounted to a window containing a ventilation fan 16. With respect to the claims, to mount the shutter to the ventilation fan windows would have been obvious to one skilled in the art in order to protect the fan blades from blowing debris from weather or to limit airflow such as drafts when the fan is not in use.

Allowable Subject Matter

Claims 4-6, 9, 14-16 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 21-30 are allowed.

Response to Amendment

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Arguments

Applicant's arguments filed Feb. 6, 2006 have been fully considered but they are not persuasive. Since light cannot pass through the blades of the fan, the transmission of light is considered to be between the adjacent blades of a ventilation fan. Otherwise, the wording of the amendment leads one to envision a device of some sort to block the light which is actually in between the fan blades. This would either result in the fan bladed being inhibited while turning or if something were attached to the blades, the fan would be less effective in moving air.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

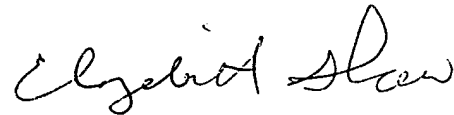
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Shaw whose telephone number is 571-272-6908. The examiner can normally be reached on M-Th 10:00-3:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Elizabeth A. Shaw
Examiner
Art Unit 3644

May 1, 2006



ROBERT P. SWIATEK
PRIMARY EXAMINER
ART UNIT ~~333~~ 3643